

MARVIN L. BROWN JR.,
Plaintiff,
v.
ROBERT HOUSTON, Director, in
his official and individual capacity, et
al.,
Defendants.

MEMORANDUM AND ORDER

The court cannot routinely appoint counsel in civil cases. In [*Davis v. Scott*, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel” [*Id.*](#) (quotation and citation omitted). No such benefit is apparent at this time. Thus, the request for the appointment of counsel will be denied without prejudice.

The Local Rules of this court allow for the filing of a motion for summary judgment with supporting brief and evidence; a response by the opposing party; and a reply to the opposing party's response, all of which have been filed in this case. "No party may file further briefs or evidence without the court's leave." [NECivR 56.1](#) (Dec. 2017); [NECivR 7.1](#) (Dec. 2017). Because Plaintiff has thoroughly responded to Defendants' Motion for Summary Judgment (Filing Nos. [74](#), [75](#), [76](#)), Plaintiff shall

not be permitted to file additional materials in response to Defendants' Reply Brief (Filing No. [77](#)).

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion (Filing No. [73](#)), construed as a Motion for Appointment of Counsel, is denied without prejudice; and
2. Plaintiff's Motion for Extension of Time (Filing No. [78](#)) within which to respond to Defendants' Reply Brief (Filing No. [77](#)) is denied.

DATED this 2nd day of February, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge